

# House Study Bill 546

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED JUDICIAL  
BRANCH BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to deferred judgment records in a criminal  
2 proceeding.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5471DP 82  
5 jm/rj/8

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1 1 Section 1. Section 907.9, subsection 4, Code 2007, is  
1 2 amended to read as follows:  
1 3 4. At the expiration of the period of probation and if the  
1 4 fees imposed under sections 815.9 and 905.14 have been paid or  
1 5 on condition that unpaid supervision fees be paid, the court  
1 6 shall order the discharge of the person from probation, and  
1 7 the court shall forward to the governor a recommendation for  
1 8 or against restoration of citizenship rights to that person.  
1 9 A person who has been discharged from probation shall no  
1 10 longer be held to answer for the person's offense. Upon  
1 11 discharge from probation, if judgment has been deferred under  
1 12 section 907.3, the court's criminal record with reference to  
1 13 the deferred judgment shall be expunged. However, the record  
1 14 shall not be expunged until the person has paid the  
1 15 restitution, civil penalties, court costs, fines, fees, or  
1 16 other financial obligations ordered by the court or assessed  
1 17 by the clerk of the district court in the case that includes  
1 18 the deferred judgment. The record maintained by the state  
1 19 court administrator as required by section 907.4 shall not be  
1 20 expunged. The court's record shall not be expunged in any  
1 21 other circumstances unless authorized by law.

### EXPLANATION

1 23 This bill relates to deferred judgment records in a  
1 24 criminal proceeding.  
1 25 Under the bill, a person who receives a deferred judgment  
1 26 shall not have the person's criminal record in the case  
1 27 expunged until the person has paid the restitution, civil  
1 28 penalties, court costs, fines, fees, or other financial  
1 29 obligations in the deferred judgment case.  
1 30 Under current law, a person who receives a deferred  
1 31 judgment and who is discharged from probation shall have the  
1 32 criminal record in the deferred judgment case expunged.  
1 33 Under current law, a permanent record of a deferred  
1 34 judgment is maintained pursuant to Code section 907.4, even if  
1 35 the record is expunged, in order to determine if a defendant  
2 1 has received a previous deferred judgment.  
2 2 LSB 5471DP 82  
2 3 jm/rj/8